

Is the final decision on the recommendations in this report to be made at this meeting?

**Yes**

## **Statement of Principles for Gambling Act 2005 Policy 2019 -2022**

<b>Final Decision-Maker</b>	Council
<b>Head of Service</b>	John Littlemore
<b>Lead Officer/Report Author</b>	Lorraine Neale
<b>Classification</b>	Non-exempt
<b>Wards affected</b>	All

### **This report makes the following recommendations to Council:**

The Chairman of the Communities, Housing and Environment Committee will report the recommendations of this Committee Orally to Council, as it meets the day before the Council meeting.

### **This report relates to the following Strategic Plan Objectives:**

Keeping Maidstone Borough an attractive place for all

### **Timetable**

<b>Meeting</b>	<b>Date</b>
Licensing Committee	22 November 2018
Communities, Housing & Environment Committee	11 December 2018
Council	12 December 2018

# Statement of Licensing Principles for Gambling Act 2005 2019 -2022

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 Section 349 of the Gambling Act 2005 requires all Licensing Authorities to prepare and publish a statement of licensing principles that they propose to apply in exercising their functions under the Act during the three year period to which the policy applies. Section 155 states that this function may not be delegated from Council and so the Communities, Housing and Environment Committee will be asked to recommend Council adopts a proposed document following consideration of consultation responses and any resulting amendments.
  - 1.2 The 12 week consultation commenced 6 August 2018 and concluded 28 October 2018 and those responses are included (Appendix 2) in the report seeking approval for the recommendation to Council to adopt the statement of principles by Communities, Housing and Environment Committee on 11 December 2018.
  - 1.3 The proposed revised Statement of Principles is included at Appendix 1.
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## 2. INTRODUCTION AND BACKGROUND

- 2.1 Maidstone Borough Council is the Licensing Authority under the provisions of the Gambling Act 2005 (the Act).
- 2.2 In accordance with the above Act Licensing authorities are required to develop, consult on, and publish a Statement of Gambling Policy every three years that sets out the principles they propose to apply in exercising their functions under the Gambling Act 2005 during that period.
- 2.3 The current policy was approved at Full Council on 1 March 2017 but needs to be revised and re-published prior to 20 January 2019 for a further three-year period. A "light touch" review was undertaken in 2016 to comply with Section 349 of the Act:

*"For the purposes of section 349 of the Act (requirement on licensing authorities to publish a policy statement every three years), the first appointed day shall be 31st January 2007".*

This was because publication of the 5th edition of Gambling Commission Guidance was published too late to include in the draft. A further detailed review of the policy was carried out in 2017 to include the 5th edition of Gambling Commission Guidance. Although the current policy has only been in issue for 2 years a review is required under S349.

- 2.4 A revised draft of the policy was put before the Licensing Committee at their meeting of 19 July 2018, at which they agreed to authorise officers to consult with all relevant interested parties and the results of the consultation be reported back to Licensing Committee to recommend to the Communities, Housing & Environment Committee any amendments for them to refer the Policy to Full Council for adoption.
- 2.5 The gambling objectives are:
  - i) preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime
  - ii) ensuring that gambling is conducted in a fair and open way and
  - iii) protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 2.6 The draft Policy that went out for consultation provides clarity in some areas of the Policy taken from the Guidance published by the Gambling Commission (5th Edition, September 2015). The amendments to the previous statement are highlighted using track changes in Appendix 1. There were no changes to the intent or direction of the Policy, which sets out how the Council seeks to regulate gambling activities under its control and provide a framework for consistent decision making
- 2.7 A comprehensive consultation exercise was carried out in accordance with the Act and Statutory Guidance over a 12 week period between 6 August and 28 October 2018.
- 2.8 An extensive list of interested parties were contacted directly and invited to comment on the revised draft policy. In addition, public notices inviting comment were placed on the Council's website. The full list of consultees is included in the draft policy at appendix 5.
- 2.9 The draft policy was made available to view electronically online and in hard copy at the council offices.

2.10 Despite the long consultation period and wide-reaching methodology, only three responses were received; this may be because the new policy was widely consulted on as was the earlier revision by Maidstone Borough Council and the principles are the same. The responses are from a resident who makes comment on gambling problems and addictions but does not propose any changes to the policy; a favourable response from Boxley Parish Council with no changes proposed and from the Gambling Commission containing a number of suggested minor amendments. (Appendix 2)

2.11 The Gambling Commissions suggested amendments have been incorporated in the draft policy as they are points of clarification and assist in understanding the sections involved. The amendments can be seen in bold in the draft Policy at pages 17,19 and 29.

2.12 The Government recently announced that they will, through the introduction of secondary legislation, reduce the maximum stakes on Fixed Odds Betting Terminals from £100 to £2. In anticipation of this, a footnote has been added to Appendix 7 of the Policy, showing a table of gaming machine stakes and prizes, to advise that these values are subject to change and are understood to have been delayed to Oct 2019 from April.

### **3 AVAILABLE OPTIONS**

3.1 It is a statutory requirement for the Council to have a current statement of licensing principles in place covering the principles for its functions under the Act. The Council is also required to have regard to guidance issued by the Gambling Commission, which also specifies requirements for gambling policies. If the Council did not comply with the Commission's guidance, then it would need to have good reasons for failing to do so. The content of the proposed Gambling Policy is recommended having regard to the requirements in the Act, Regulations and guidance.

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### **4 PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

4.1 That Council adopts the updated Statement of Principles, incorporating any amendments requested by the Communities, Housing and Environment Committee.

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### **5 CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

5.1 Included at Appendix 2

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5.2 The Statement of Principles have been considered by the Licensing Committee and the Communities, Housing and Environment Committee before being recommended to Council.

## 6 CROSS-CUTTING ISSUES AND IMPLICATIONS

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	No issues identified	[Head of Service or Manager]
<b>Risk Management</b>	No issues identified	[Head of Service or Manager]
<b>Financial</b>	No issues identified	[Section 151 Officer & Finance Team]
<b>Staffing</b>	No issues identified	[Head of Service]
<b>Legal</b>	The Licensing Authority must formally review its adopted Statement of Principles for the Gambling Act 2005 Policy. Section 349 of the Act requires the authority to review this every three years and keep it under review from time to time. Without an up-to-date Policy in place, this could leave the authority open to legal challenge over the legitimacy of any decisions made.	[Legal Team]
<b>Equality Impact Needs Assessment</b>	None identified at this stage.	[Policy & Information Manager]
<b>Environmental/Sustainable Development</b>	. No issues identified	[Head of Service or Manager]
<b>Community Safety</b>	No issues identified	[Head of Service or Manager]
<b>Human Rights Act</b>	No issues identified	[Head of Service or Manager]
<b>Procurement</b>	No issues identified	[Head of Service & Section 151 Officer]
<b>Asset Management</b>	No issues identified	[Head of Service & Manager]

## **7 REPORT APPENDICES –**

The following documents are to be published with this report and form part of the report:

- Appendix 1: Revised Draft Policy with track changes and Gambling Commission amendments in bold
- Appendix 2: Consultation responses

## **8 BACKGROUND PAPERS**

- Gambling Commission Guidance to licensing authorities 5<sup>th</sup> edition, September 2015  
<http://www.gamblingcommission.gov.uk/PDF/GLA5-updated-September-2016.pdf>
- Existing Statement of Principles  
[http://www.maidstone.gov.uk/\\_data/assets/pdf\\_file/0004/164686/Gambling-Licensing-Policy-April-2017.pdf](http://www.maidstone.gov.uk/_data/assets/pdf_file/0004/164686/Gambling-Licensing-Policy-April-2017.pdf)
- Licence Conditions and Codes of Practice for Operators  
<http://www.gamblingcommission.gov.uk/PDF/LCCP/Licence-conditions-and-codes-of-practice-April-2018.pdf>